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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MEHRA, INDER P

ART UNIT PAPER NUMBER

2666

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/306,040

Applicant(s)

RUDD ET AL.

Examiner

Inder P Mehra

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/4/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 04 December 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Response to Amendment

1. This is in response to amendment A dated 12/4/02.

Claim Objections

2. Claim 15 is objected to because of the following informalities:

Limitation , “said microprocessor adjusting a time period of one of said time slots depending on content of the time slot”, in lines 9 and 10, is the same as the limitation in lines 7 and 8 of the same claim 15.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3-6, 8-9, and 14-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation, “decreasing said time period of said time slot ***when a particular data type is being transmitted in said time slot***”. This limitation contradicts the limitation of claim 10, wherein it is recited, “decreasing said time period of said time slot ***when no data are being transmitted in said time slot***”. Both claims depend from claim 7 and, therefore, the time slot referred to is the same. It is, therefore, confusing and indefinite.

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Appropriate clarification is required.

Claims 3 (line 3), 4 (lines 5-6), 8 (line 3), 9 (line 3), 14 (line 3) and 15 (lines 15-17) recite limitation "*particular type of data*" which is not definite. Refer to the specification, page 10 lines 11-18, and fig. 8 steps 803, 805, 807 and 809, wherein it is specified that time slot is set to second time period when it is not caller ID packet, whereas it is set to third time period when it is caller ID. In other words, these claims are not supported by specifications or drawings.

Appropriate correction or clarification is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Turnbull et al** (US Patent No. 6,088,362), hereinafter Turnbull in view of **Wilder et al** (US Patent No. 5,128,928), hereinafter Wilder, and **Kumarek et al** (US Patent No. 6,408,008), hereinafter, 6408,008.

Regarding claims 1, 3, 4, 6- 7, 11-12, 14-15 and 17, Turnbull discloses, in reference to figs. 1 and 2, a multi-line key telephone system which is not having "key service unit" (KSU 10)

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(or decentralized system) and provides uninterrupted telephone services (automatic service), refer to col. 4 lines 6-14 and abstract; comprising the steps of:

- when the system is idle, the station 14 must **determine** which one send out the system clock---concludes there are no stations transmitting, (**determining whether data are being transmitted in a time slot in said communication channel**), refer to col. 7 lines 54-58;
- signaling data is transmitted in the first time slot, refer to col. 8 lines 45-46; out of band data signal sent during first time slot, refer to col. 10, lines 60-64, concludes there are no stations transmitting , refer to col. 10, lines 60-64, (**first time slot if data are not being transmitted**);
- three voice channels defined by their respective positions in time slots 76, 77 and 78 (**first, second and third time slots for a particular type/ content of data, as recited by claims 1, 4, 7 and 15**), refer to fig. 4 and col. 7 lines 38-42;
- microprocessor 50 and a digital signal processor for effecting voice and data transfers and communicating time division multiplex protocol control to a like telephone station on the same line, as recited in claim 15, refer to fig. 2 and col. 2 lines 44-47;

Turnbull does not disclose expressly adjusting time slot to a second time period if data are being transmitted in the time slot;

Wilder discloses the system can be **adjusted** to provide additional slots for the movement of voice data or additional slots for other functions depending upon the particular system

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configuration, (**adjusting time slot to a second time period if data are not being transmitted in said time slot**), refer to col. 13 lines 18-21;

Komarek discloses programming available within the time slot scheme can be **expanded by increasing the frame time period (adjustment of time period, as recited by claims 1, 4, 7, 11 and 15)**, refer to col. 28 lines 55-57.

A person of ordinary skill in the art would have been motivated to employ Komarek's circuit for attenuation of echos, Wilder's digital radio telephone system into Turnbull's key telephone system without common control in order to introduce the capability of adjusting second time period. The suggestion/motivation to do so would have been to establish inter station frame synchronization. It would have been obvious to a person of ordinary skill in the art that when a new communication session is established, the data from different sources can be combined over successive time slots in a single frame on a real time basis, thus eliminating the problems associated with intercom usage, refer to col. 1 line 64 of Turnbull.

Regarding claims 2, 5, 13 and 16, Turnbull discloses in reference to figs. 1 and 2, the process of claims 1, 7 and 11, as explained above, comprising the steps of:

Turnbull discloses an idle system, refer to col. 7 lines 54; inactive interval (no data) having zero channels or time slots, refer to col. 8 lines 67 through col. 9 lines 1-6; all subsequent packet headers cause the receiver to adjust the clock 100 depending upon the time slots in use, refer to col. 9 lines 2-6, and subsequent time slots 76, 77 and 78 , fig. 4b, and refer to col. 7 line 40, (**first time slot period to be shorter than the second time period**).

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It would have been obvious to one skilled in the art to use shorter time slot if there is no data transmission.

Regarding claims 8-10, Turnbull discloses adjusting (as recited in claims 8-10) the clock 100 depending upon the time slot utilization (particular type of data, as recited in claims 8-9 or no data, as recited in claim 10), refer to col. 9 lines 5-8;

Turnbull does not disclose expressly the type of data, and increasing or decreasing the time period.

Wilder discloses type of data (voice data or other functions), refer to col. 13 and lines 19-21;

Komarek discloses programming available within the time slot scheme can **be expanded by increasing the frame time period (adjustment of time period, as recited by claims 8-10)**, refer to col. 28 lines 55-57.

A person of ordinary skill in the art would have been motivated to employ Komarek's circuit for attenuation of echos, Wilder's digital radio telephone system into Turnbull's key telephone system without common control in order to introduce the capability of adjusting time period of time slot. The suggestion/motivation to do so would have been to optimize time slot utilization. It would have been obvious to a person of ordinary skill in the art that when a new communication session is established , the time slot utilization can be improved or reduced depending upon the type of data from different sources on a real time basis, thus eliminating the problems associated with intercom usage, refer to col. 1 line 64 of Turnbull.

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Response to Arguments

7. Applicant's arguments with respect to claim 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any enquiry concerning this communication should be directed to Inder Mehra whose telephone number is (703) 305-1985. The examiner can be normally reached on Monday through Friday from 8:30AM to 5:00 PM.

If attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Seema Rao, can be reached on (703) 308-5463. Any enquiry of a general nature of relating to the status of this application or processing should be directed to the group receptionist whose telephone number is (703) 305-4700.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to (703) 872-9314.

Hand -delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA, sixth floor (Receptionist).


Inder Mehra
2/16/03

February 16, 2003



MELVIN MARCELO
PRIMARY EXAMINER